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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,208	02/12/2004	Temenuzhka Bencheva Beloreshka		4175

7590 09/15/2004  
Temenuzhka Beloreshka  
16825 Forest View Drive  
Tinley Park, IL 60477

EXAMINER

ADDIE, RAYMOND W

ART UNIT PAPER NUMBER

3671

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/776,208	<b>Applicant(s)</b> BELORESHKA ET AL.	
	<b>Examiner</b> Raymond W. Addie	<b>Art Unit</b> 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 12 February 2004.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-3 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-3 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 12 February 2004 is/are: a)  accepted or b)  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All    b)  Some \*    c)  None of:
      - 1.  Certified copies of the priority documents have been received.
      - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 9/13/2004.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Oath/Declaration***

1. A new oath or declaration is required because it does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

The wording of an oath or declaration cannot be amended. If the wording is not correct or if all of the required affirmations have not been made or if it has not been properly subscribed to, a new oath or declaration is required. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.

### ***Specification***

2. The abstract of the disclosure is objected to because it is more than 1 paragraph and should not have bullets. Further the 1<sup>st</sup> line of the Abstract should read --A construction joint implement and method for--. Correction is required. See MPEP § 608.01(b).

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Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The "parts list" featured on Page 8 of the disclosure should be amended out of the disclosure, in favor of a clear description of the listed features in the section entitled "Detailed Description -Preferred Embodiment".

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the word "means" is preceded by the word(s) "concrete beam having" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

***Claim Objections***

4. Claims 1-3 are objected to because of the following informalities:

Claim 1, lines 1-2 the phrase "Reinforcing Concrete Beam said Reinforcing Concrete Beam having means to be supported along the entire length of the edge of the slab while not being bonded to the slab said Reinforcing Concrete Beam having a vertical" should be --A concrete reinforcing beam for use between adjacent concrete or asphalt slabs, comprising; a vertical.

Further the language and parentheses "()" should be removed.

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Claim 2, Ins. 1-2, the phrase "Modified Reinforcing Concrete Beam said Modified Reinforcing concrete Beam having", should be --A reinforcing concrete beam having a--.

Claim 2, In. 3, the phrase "said Modified Reinforcing Concrete Beam", should be said reinforcing  
concrete beam--.

Claim 3, Ins. 1-2, the phrase "Double Joints Pavement System said Double Joints Pavement System, suitable for use in the construction of, among others, concrete and asphalt pavement (e.g. roads, highways, airports, parking lots), employs (modified Reinforcing Concrete Beams in order to divide the worksite area into parallel strips, said Double Joints Pavement System allows for parallel strips to be filled independently and/or simultaneously using smaller-sized asphalt-paving machines (e.g., roller screeds and vibro screeds)"; should be  
--A method of using a pavement joint system for use in concrete and asphalt pavement comprising, a plurality of joint filler implements arranged in parallel rows, wherein parallel strips of pavement material may be filled into the spaces between said plurality of joint filler implements--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tateno # 4,346,542.

Tateno discloses a joint for use in concrete comprising:

An filler implement (1) having a vertical cross section in the form of an isosceles trapezoid and a rectangle adjacent said trapezoid.

A pair of horizontal grooves (2b) to form water stops on both sides of said reinforcing concrete beam's  
slanted sides.

What Tateno does not disclose is locating the rectangle above the trapezoid. However, Tateno discloses the implement 1 can be removed from the supports (6) and arranged in a plurality of configurations, as application dictates.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to dispose the filler joint implement with the hollow body (2) below the insert plate (1), in order to accommodate seasonal ground heave. See col. 2, ln. 27- col. 3, ln. 68.

In regards to Claim 3 Tateno discloses a method of forming a road by disposing a plurality of filler joint implements (1/2) transverse the longitudinal extent of the roadway being formed and filling the spaces between filler joint implements (1/2) with concrete, thus forming said roadway into parallel slabs of concrete. See col. 4, Ins. 1-65.

***Conclusion***


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hurst # 3,956,557 discloses a water stop for concrete expansion joints. Hull et al. # 5,092,091 discloses a concrete expansion joint and filler board. Brower # 5,129,754 discloses an expansion joint seal. Lee # 5,450,699 discloses a flexible concrete joint form. Tadros et al. # 6,668,412 B1 discloses a concrete bridge deck joint. Shotton # 6,739,805 B2 discloses a water stop for concrete structures.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 703 305-0135. The examiner can normally be reached on 8-2, 6-8.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Raymond Addie**  
**Patent Examiner**  
**Group 3600**

9/13/2004